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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

1 KAREN P. HEWITT
 2 United States Attorney
 2 DAVID M. MCNEES
 3 Special Assistant U.S. Attorney
 3 California State Bar No. 216612
 4 Federal Office Building
 4 880 Front Street, Room 6293
 5 San Diego, California 92101-8893
 5 Telephone: (619) 557-5979
 6 E-mail: david.mcnees@usdoj.gov

6
 7 Attorneys for Plaintiff
 7 United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Civil No '07 CV 2158 JLS (RBB)
 11 Plaintiff,) COMPLAINT FOR
 12 v.) FORFEITURE
 13 \$4,000.00 IN U.S. CURRENCY,)
 14 Defendant.)
 15

16 By way of complaint against the defendant, \$4,000.00 IN U.S. CURRENCY (hereinafter
 17 "defendant currency"), the United States of America alleges:

18 1. This Court has jurisdiction over this action by virtue of the provisions of Title 28,
 19 United States Code, Sections 1345 and 1355, and Title 21, United States Code, Section 881.

20 2. Venue is proper in this district pursuant to Title 21, United States Code, 881(j) because
 21 the acts or omissions giving rise to the forfeiture occurred in this district.

22 3. On May 24, 2007, at approximately 4:00 p.m., members of the Carlsbad Police
 23 Department narcotics unit served a search warrant at a residence on Buena Vista Road. The residence
 24 is a two-bedroom mobile home that is permanently attached to its location. The search of the residence
 25 revealed a total of 846.8 grams of marijuana, 55.7 grams of cocaine, a large scale, packaging material,
 26 a pay and owe sheet, 2 handguns, 4 rifles, 2 shotguns, and \$4,000.00 in U.S. Currency. These items
 27 were located in many areas around the residence, including a hollow compartment in the kitchen
 28 cabinets, behind a picture in the living room, and in the east bedroom.

1 Prior to serving the warrant, officers contacted Gary Pierson, who lives at the target residence.
2 A search of his vehicle revealed three bindles containing a white, powdery substance which field tested
3 positive for cocaine. Each bindle weighed approximately one gram. The packaging material of these
4 bindles appeared to match the packaging later found in Mr. Pierson's residence.

5 4. On and/or prior to May 24, 2007, the defendant currency was a thing of value furnished
6 or intended to be furnished in exchange for a controlled substance or listed chemical in violation of
7 Title 21 of the United States Code, Section 881.

8 5. Alternatively, on and/or prior to May 24, 2007 the defendant currency represented the
9 proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in
10 violation of Title 21 of the United States Code, Section 881.

11 6. Because of the aforementioned acts or uses alleged herein, either singly or in
12 combination, the defendant currency is subject to forfeiture pursuant to Title 21, United States Code,
13 Section 881(a)(6).

14 7. The defendant currency is presently stored within the jurisdiction of this Court.

15 WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the
16 defendant, and that due notice be given to all interested parties to appear and show cause why said
17 forfeiture should not be declared.

18 DATED: November 9, 2007

KAREN P. HEWITT
United States Attorney

David M. Ross

DAVID M. McNEES
Special Assistant U.S. Attorney

1 **VERIFICATION**

2 I, Patrick Preston, hereby state and declare as follows:

3 1. I am a Task Force Officer with the United States Drug Enforcement Administration.

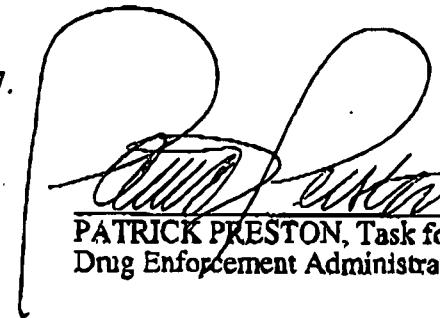
4 2. I have read the foregoing complaint and know its contents.

5 3. The information in the complaint was furnished by official Government sources. Based

6 on this information, I believe the allegations in the complaint to be true.

7 I declare under penalty of perjury that the foregoing is true and correct, to the best of my
8 knowledge and belief.

9 Executed on November 9, 2007.



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11 **PATRICK PRESTON, Task force Officer**
12 **Drug Enforcement Administration**

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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

\$4,000.00 IN U.S. CURRENCY

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

BY:

DEPUT

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

07CV 2158 JLS (RDB)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. MCNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-6962

ATTORNEYS (IF KNOWN)

NICHOLAS DE PENTO, ATTORNEY AT LAW
550 WEST C STREET, SUITE 1160
SAN DIEGO CA 92101-8518
(619) 236-1151

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX
(For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF	PT	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC881	<input type="checkbox"/> 423 Withdrawal 28 USC
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> PROPERTY RIGHTS
<input type="checkbox"/> 150 Recovery of & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 620 Copyrights
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 630 Patent
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 153 Recovery of Benefits of Veterans	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> SOCIAL SECURITY
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Liability		<input type="checkbox"/> LABOR	<input type="checkbox"/> 861 HIA (13958)
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Liability		<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 195 Contract Product			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor	<input type="checkbox"/> FEDERAL TAX SUITS
<input type="checkbox"/> 230 Rent Lease & Lessor	<input type="checkbox"/> 443	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
<input type="checkbox"/> 245 Tort Product	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 892 Economic
<input type="checkbox"/> 290 All Other Real		<input type="checkbox"/> 555 Prisoner Conditions		<input type="checkbox"/> 893 Environmental
				<input type="checkbox"/> 894 Energy Allocation
				<input type="checkbox"/> 895 Freedom of
				<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to
				<input type="checkbox"/> 950 Constitutionality of
				<input type="checkbox"/> 890 Other Statutory

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE
11/9/07

David McNeese

SIGNATURE OF ATTORNEY OF RECORD
DAVID M. MCNEES, SAUSA